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6 UNITED STATES DISTRICT COURT  
7 CENTRAL DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA,

Case No. 17-4438-DSF (PLAx)

9 Plaintiff,

10 v.

**FINAL JUDGMENT OF FORFEITURE**

11 CERTAIN RIGHTS TO AND INTERESTS  
12 IN THE VICEROY HOTEL GROUP,

13 Defendant.  
14

15 Upon consideration of the Unopposed Application for Entry of  
16 Final Judgment of Forfeiture (the "Application") filed by Plaintiff  
17 United States of America (the "Government") seeking entry of a  
18 Final Judgment of Forfeiture, for good cause the Court hereby finds  
19 and orders as follows:

20 **FINDINGS**

21 A. On June 15, 2017, the Government initiated this civil  
22 forfeiture action (the "Viceroy Action") alleging that certain  
23 rights to and interests in the Viceroy Hotel Group which are more  
24 fully described in Attachment A to the Government's Verified  
25 Complaint for Forfeiture *In Rem* (the "Defendant Asset") is subject  
26 to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) and (C) [Dkt.  
27 No. 1-1].  
28

1           B.     The Government gave and published notice of the Viceroy  
2     Action as required by law, including Supplemental Rule G for  
3     Admiralty or Maritime Claims and Asset Forfeiture Actions, the  
4     Federal Rules of Civil Procedure and the Local Rules of this Court.

5           C.     On October 11, 2017, JW Hospitality (VHG Intl) Ltd. and  
6     JW Hospitality (VHG US) LLC (collectively "JW Hospitality") filed  
7     a claim to the Defendant Asset (Dkt. No. 26).

8           D.     On November 4, 2019, the Court entered a Consent Judgment  
9     of Forfeiture ("Consent Judgment") in the Viceroy Action as to JW  
10    Hospitality, pursuant to a stipulated request by the Government  
11    and JW Hospitality.     The Consent Judgment disposed of JW  
12    Hospitality's claim to the Defendant Asset in its entirety. (Dkt.  
13    No. 97).

14          E.     On April 30, 2020, the Government and potential claimant  
15    Mamoura Diversified Global Holding PJSC *f/k/a* Mubadala Development  
16    Company PJSC ("Mamoura") jointly filed a Stipulation and Request  
17    for Order Authorizing Interlocutory Sale of Defendant Asset (the  
18    "Interlocutory Sale Stipulation") in the Viceroy Action (Dkt. No.  
19    129).     The Court had previously granted the Government's and  
20    Mamoura's jointly-filed Stipulation to extend the time for Mamoura  
21    to file a claim to May 4, 2020.     (Dkt. No. 128).

22          F.     On April 30, 2020, the Court entered an Order Authorizing  
23    Interlocutory Sale of Defendant Asset in the Viceroy Action (the  
24    "Interlocutory Sale Order"), pursuant to which the Court: (i) found  
25    that an interlocutory sale of the Defendant Asset was necessary to  
26    prevent the risk of further diminishment in the value thereof posed  
27    by the ongoing Viceroy Action; (ii) found that the Defendant Asset  
28    should be sold via an interlocutory sale, with the proceeds of such

1 sale substituted as the defendant *res* in the Viceroy Action; (iii)  
2 found that the procedures set forth in 28 U.S.C. §§ 2001 and 2002,  
3 which statutes govern interlocutory sales of property pending  
4 forfeiture, were not reasonable, appropriate or likely to yield  
5 the highest price for the Defendant Asset; and (iv) approved the  
6 proposed interlocutory sale of the Defendant Asset to Mamoura's  
7 affiliates (collectively, the "Purchaser") for \$3,200,000.00 (the  
8 "Sale") pursuant to the terms and procedures more specifically set  
9 forth in that certain Transfer of Interests Agreement attached to  
10 the Interlocutory Sale Stipulation (the "Sale Procedures") (Dkt.  
11 No. 131).

12 G. On May 15, 2020, the Government reported that  
13 \$3,200,000.00 of Sale proceeds (the "Substitute Res") were  
14 deposited into the United States Marshal Service's Seized Asset  
15 Deposit Fund (the "SADF") (Dkt. No. 132).

16 H. Pursuant to paragraph 11 of the Interlocutory Sale Order,  
17 the Substitute Res currently remains in the SADF pending the  
18 resolution of the Viceroy Action.

19 I. No other claims to the Defendant Asset or Substitute Res  
20 were filed and the time for filing claims has expired.

21 J. No party has objected to the Application, the  
22 disbursement of the Substitute Res, or the closure and conclusion  
23 of the Viceroy Action.

24 K. The Court finds, based upon the Application and the  
25 record of these proceedings, the Government has demonstrated good  
26 cause to grant the Application and approve the relief sought  
27 therein.

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1           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

2           1.     The Application is granted.

3           2.     All rights, titles, and interests of JW Hospitality and  
4 all other potential claimants in and/or to the Substitute Res are  
5 hereby forfeited to the Government pursuant to 18 U.S.C.  
6 § 981(a)(1)(A) and (C), the applicable Supplemental Rules for  
7 Admiralty or Maritime Claims and Asset Forfeiture Actions, the  
8 applicable Federal Rules of Civil Procedure, and the applicable  
9 Local Rules of this Court.

10          3.     The United States Marshals Service shall dispose of the  
11 Substitute Res in accordance with applicable law, less any fees  
12 and costs unpaid related to the Sale.

13          4.     If any or all of the provisions of this Final Judgment  
14 of Forfeiture are hereafter reversed, modified or vacated by a  
15 subsequent order and/or judgment of this Court or any other court,  
16 such reversal, modification or vacatur shall not affect the  
17 validity and enforceability of any transfer and sale contemplated  
18 hereby or obligation or right granted pursuant to the terms of this  
19 Final Judgment of Forfeiture (unless stayed pending appeal), and  
20 notwithstanding any reversal, modification or vacatur, shall be  
21 governed in all respects by this Court's prior orders approving  
22 the interlocutory sale.

23          5.     The Viceroy Action is hereby completed and closed.


24          6.     This Final Judgment of Forfeiture shall be effective and  
25 enforceable immediately upon entry and its provisions shall be  
26 self-executing.

27          7.     The Court shall retain jurisdiction with respect to all  
28 matters arising from or related to the implementation or

1 interpretation of this Final Judgment of Forfeiture, including but  
2 not limited to, any matter, claim or dispute arising from or  
3 relating to the Sale of the Defendant Asset to the Purchaser, the  
4 Substitute Res and/or the implementation of this Final Judgment of  
5 Forfeiture.

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7 IT IS SO ORDERED.

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9 DATED: May 31, 2022

  
HON. DALE S. FISCHER  
UNITED STATES DISTRICT JUDGE